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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,745	12/20/2000	Moshe Shavit	782.1081/RAG	4969

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EXAMINER	
PHILLIPS, HASSAN A	

ART UNIT	PAPER NUMBER
2151	6

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/739,745	SHAVIT ET AL.	
	Examiner	Art Unit	
	Hassan Phillips	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 20 December 2000 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both PSTN/PLMN and the INTERNET. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 38, on page 4, line 18. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The PSTN/PLMN is first referenced in the disclosure as reference numeral 15 on page 3, line 20. Thereafter, it is referenced as reference numeral 16. The PSTN/PLMN should only be referenced with one reference numeral.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Penttonen.

Penttonen discloses a method for relocating subscriber data in a communication system, comprising:

a) registering identification, and location data, of a subscriber into an HLR (col. 2, lines 58-63, and col. 3, lines 15-16);

b) performing pattern analysis based on a subscriber's location (col. 3, lines 5-6, and lines 17-21).

c) relocating data, associated with a subscriber, from a first location to a second location within the communication system when the pattern analysis indicates that service can be provided more efficiently from the second location (col. 3, lines 17-21, and lines 28-34).

It is inherent that pattern analysis is done automatically by the VMS, which monitors the information about movements of a subscriber in order to determine whether or not to relocate a subscriber's private data. Furthermore, it is inherent that relocating private data based on whether a subscriber has moved more or less permanently into the area of another MSC indicates that service can be provided more

efficiently from that location since that location is more near to the subscriber. Therefore, the claimed inventions (claims 1, 8, 17) were anticipated in the methods disclosed by Penttonen.

In considering claims 2 and 9, see Penttonen, col. 3, lines 50-53.

In considering claim 15, see Penttonen, Fig. 1. An HLR is a database that holds information about a subscriber in a mobile network. It is inherent that a storage unit is used to store this information. It is also inherent that the VMS, which is coupled to the HLR, contains a processor in order for it to periodically check the location of a subscriber from the HLR (col. 3, lines 5-6). Furthermore, the MSC's in Fig. 1 are routers in simple form, and are coupled to at least one VMS, and an HLR. Therefore, the claimed invention (claims 15) was anticipated in the methods disclosed by Penttonen.

In considering claim 16, see Penttonen, Fig. 1. The GSM mobile network is a data network and is coupled to communication devices A, and B. The VMS and HLR are disposed at first and second locations, both different from the destination location, and the VMS receives the activity log file from the HLR (col. 3, lines 5-8) via the GSM mobile network. Therefore, the claimed invention (claim 16) was anticipated in the methods disclosed by Penttonen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen, and further in view of Chang et al. U.S. Patent 5,958,016.

Regarding claims 3, and 10, Penttonen shows substantial features of the claimed invention as mentioned above. Furthermore, Penttonen also discloses:

a) the pattern analysis producing results periodically, (col. 3, lines 5-6, and lines 24-27).

It is obvious, if not inherent, that results are produced periodically (in this case once a day) in order for the decision to be made about a subscriber staying permanently within a new area or not. Nonetheless, although the disclosed method of Penttonen shows substantial features of the claimed invention, it fails to explicitly disclose:

a) relocating data under manual control.

In a U.S. Patent relating to a system and methodology for service control in a communications network, Chang et al. discloses a method for network service control comprising:

a) a subscriber establishing, or modifying private data (col. 5, lines 24-31).

It is well known in the art that data can be manually transferred from one location to another within a network. Penttonen even suggests that data be transferred

automatically, without the assistance of an operator, and if an operator was to be involved the operator could configure the process of automatically transferring data from one location to another (col. 3, lines 50-53). Therefore, given the teachings of Chang et al., it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Penttonen with Chang et al., in order to relocate data manually. The motivation for doing so would have been to assure that a transfer of private data has taken place. Therefore, the claimed inventions (claims 3 and 10) would have been an obvious modification of the methods disclosed by Penttonen in view of Chang et al.

Claims 4, 5, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen, and further in view of Easty et al. U.S. Patent 6,490,587.

Regarding claims 4 and 11 although the disclosed method of Penttonen shows substantial features of the claimed invention, it fails to explicitly disclose:

a) information servers geographically distributed to provide access to subscribers;

b) storing access location identification as location data, indicating an information server for providing access to a subscriber.

Nevertheless, in a U.S. Patent relating to content distribution, Easty et al. discloses a method and apparatus for distributing content from a central server to a plurality of endpoint servers for further distribution to end users, comprising:

a) a plurality of geographically distributed endpoint servers providing access to end users, (col. 3, lines 28-42);

b) generating information indicating the location of the endpoint server providing access to an end user, (col. 2, lines 63-67, and col. 3, line1).

With the knowledge of a method such as disclosed by Easty et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Penttonen, by employing a means for relocating data in a communication system though the use of geographically distributed information servers. The motivation to do so would have been to provide a means for keeping subscriber information close to the subscriber. Therefore, the claimed invention (claims 4, and 11) would have been an obvious modification of the methods disclosed by Penttonen in view of Easty et al.

Regarding claims 5 and 12 although the disclosed method of Penttonen shows substantial features of the claimed invention, it fails to explicitly disclose:

a) including a central management server;

b) generating and storing an activity log file at an information server and transferring it to a central server where pattern analysis is performed on the log file.

Nevertheless, Easty et al. discloses a method for communication between a central server and a plurality of endpoint servers comprising:

a) a central server, (col. 3, lines 28-42);

b) generating a log file by an endpoint server, (col. 3, lines 2-9);

c) initially storing the log file at the endpoint servers, and transferring the log file to the central server (col. 6, lines 57-59);

d) performing pattern analysis on the log file at the central server, (col. 7, lines 43-49).

With the knowledge of a method such as disclosed by Easty et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Penttonen, by employing a means for transferring a log file associated with a subscriber from an endpoint server to a central management server. The motivation to do so would have been to provide an efficient means for transferring data from one location to another. Therefore, the claimed inventions (claims 5, and 12) would have been an obvious modification of the methods disclosed by Penttonen in view of Easty et al.

Claims 6, 7, 13, 14, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen in view of Easty et al. as applied to claims 1, 4, 5, 6 and 15 above, and further in view of Drutman et al. U.S. Patent 6,618,593.

In considering claims 6, 7, 13, and 14, Penttonen and Easty et al. shows substantial features of the claimed inventions as mentioned above. Furthermore, Easty et al. also discloses:

a) an information services system where endpoint servers store and access data to provide services to subscribers (col. 2, lines 36-40, and 47-49).

Although the disclosed methods of Penttonen in view of Easty et al. shows substantial features of the claimed invention, they fail to explicitly disclose:

a) moving a subscriber profile from a first information server to a second.

Nevertheless, in a similar field of endeavor, Drutman et al. discloses a method for transferring data from one mobile device to another, comprising:

a) transmitting profile data, (col. 7, lines 53-57);

b) transmitting the data by means of a personal computer 80, (col. 8, lines 21-29).

It is obvious, if not inherent, the personal computer described by Drutman et al. is acting as an information server. With the knowledge of a method such as disclosed by Drutman et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Penttonen in view of Easty et al., by employing a means for relocating subscriber profile data in a communication system from one information server to another. The motivation to do so would have been to relocate the data to the information server that is closet to the subscriber. Therefore, the claimed inventions (claims 6, 7, 13, and 14) would have been an obvious modification of the methods disclosed by Penttonen in view of Easty et al, and further in view of Drutman et al.

In considering claims 18, and 19 the combined system disclosed by Penttonen in view of Easty et al, and further in view of Drutman et al. comprise means adapted for

carrying out the methods according to the claimed inventions (claims 18, and 19) as applied to the proceeding claims (claims 1, 4, 6 and 15).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Penttonen, U.S. Patent 5,627,877 discloses a method for relocating a subscriber in a voice messaging system.

Chang et al., U.S. Patent 5,958,016 discloses a system and method for network service control.

Easty et al., U.S. Patent 6,490,587 discloses a system for distributing content from a central server to a plurality of endpoint servers.

Drutman et al., U.S. Patent 6,618,593 discloses a telecommunication system and method for transmitting data to and from mobile devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

hp
12/8/03

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